

15 Am. Jur. 2d Civil Rights § 3

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Civil Rights

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II. Federal Constitutional Guarantees of Civil Rights

A. Federal Constitution

§ 3. Civil rights guaranteed by Federal Constitution, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

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The Federal Constitution contains various guarantees concerning civil rights. In addition to the Thirteenth and Fourteenth Amendments¹ the Fifth Amendment,² the Fifteenth Amendment,³ and the Commerce Clause found in U.S. Const. Art. I, § 8, cl. 3,⁴ provide guarantees against certain types of discrimination. On the other hand, Art. IV, § 2, cl. 1 of the United States Constitution, which provides that the citizens of each state will be entitled to all privileges and immunities of citizens in the several states, prevents a state from discriminating against citizens of other states in favor of its own, but does not create rights of citizens of the United States.⁵

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Footnotes

1 §§ 4 to 11.

2 Schneider v. Rusk, 377 U.S. 163, 84 S. Ct. 1187, 12 L. Ed. 2d 218 (1964).

3 Terry v. Adams, 345 U.S. 461, 73 S. Ct. 809, 97 L. Ed. 1152 (1953).

As to the effect of the Fifteenth Amendment on voting rights, see Am. Jur. 2d, Elections § 102.

4 Morgan v. Com. of Va., 328 U.S. 373, 66 S. Ct. 1050, 90 L. Ed. 1317, 165 A.L.R. 574 (1946).

The Commerce Clause provided the basis for the Violence Against Women Act (VAWA), allowing for a private right of action for persons who were victims of domestic or gender-based violence. There was rational basis for congressional conclusion that domestic and gender-based violence substantially affected interstate commerce, as required to support the constitutionality of the VAWA under the Commerce Clause; there were studies showing that violence curtailed the earning power of women, and discouraged interstate travel by them. Burgess v. Cahall, 88 F. Supp. 2d 319 (D. Del. 2000).

As to the Commerce Clause, generally, see Am. Jur. 2d, Commerce §§ 1 to 10.

- 5 [Hague v. Committee for Indus. Organization](#), 307 U.S. 496, 59 S. Ct. 954, 83 L. Ed. 1423 (1939).
As to the Privileges and Immunities Clause of U.S. Const. Art. IV, § 2, cl. 1, generally, see [Am. Jur. 2d, Constitutional Law §§ 783 to 816](#).

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